

September 3, 2014

VIA ECF

Judge Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140
rdd.chambers@nysb.uscourts.gov

**Re: *Echevarria v. Bank of America Corporation, et al.*, 7:14-cv-04171 (VB/LS);
13-bk-22693 (RDD); 14-ap-08216 (RDD)**

Dear Judge Drain:

We represent Plaintiff in the above-entitled matter. We received Mary J. Hackett's letter to you of September 3, 2014, and Defendants' proposed order. Both are attached. We object to the order for the reasons set forth below.

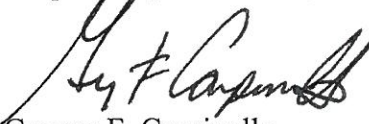
First, I must say that we are very surprised that Ms. Hackett forwarded this order to you since we were in the middle of discussions with her about the form of the order. Second, her representation of Plaintiff's position is incorrect. We did not say we wanted unlimited time. I explained to Ms. Hackett that we could not agree to a date by which Plaintiff would amend his complaint *until* she advised us when we would receive the contracts Defendants entered into with purchasers of Defendants' debts. As I am sure Your Honor remembers, the Court made it very clear at last week's hearing that the Court expected Defendants to provide copies of the various contracts that Defendants had entered into with regard to sales of Defendants' debt, as had been ordered in the *Haynes* matter. We have yet to receive any commitment from Defendants that that will occur. We are currently attempting to resolve that issue and may need to seek Court intervention, which we will do promptly.

Given the fact that Defendants have not committed to a time within which, or even if, they will provide such contracts, we respectfully request that the Court strike the language "within 30 days from the date of this order." Alternatively, we ask that the Court give Plaintiff fifteen (15) days after the production of documents, as agreed by the parties or as ordered by the Court, to serve an amended complaint.

BOIES, SCHILLER & FLEXNER LLP

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Respectfully Submitted,



George F. Carpinello

GFC/slb
Attachment(s)

cc via e-mail:

Mary J. Hackett (MHackett@ReedSmith.com)
Adam Shaw (ashaw@bsflp.com)
Charles Juntikka (charles@cjalaw.com)
Jason Hazlewood (JHazlewood@ReedSmith.com)

ATTACHMENT A

ReedSmith

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September 3, 2014

Via UPS Overnight Courier

Honorable Robert D. Drain
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

**In re: Michael Echevarria, Chapter 7 Case No. 13-22693 (RDD); Michael Echevarria, v. Bank of
America Corporation, et al., Adv. Pro. No. 14-08216 (RDD)**

Dear Judge Drain:

As instructed, enclosed please find a proposed order granting Defendants' Motion to Dismiss. We have acknowledged that Plaintiff has 30 days to file an amended complaint. Plaintiff agreed to the order, with the exception that it did not want to include a time limit within which to amend. Defendants believe that Plaintiff should not have unlimited time to amend and that the 30 day time frame is reasonable.

Respectfully submitted,

Mary J. Hackett

Mary J. Hackett

Enclosure

cc: George Carpinello, Esquire (via UPS Overnight w/ encl.)
Adam R. Shaw, Esquire (via UPS Overnight w/ encl.)
Charles W. Juntikka, Esquire (via UPS Overnight w/ encl.)

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

IN RE:

MICHAEL ECHEVARRIA,

Debtor.

MICHAEL ECHEVARRIA,

Debtor and Plaintiff on
 behalf of himself and all
 others similarly situated,

v.

BANK OF AMERICA CORPORATION;
 BANK OF AMERICA, NATIONAL
 ASSOCIATION; and FIA CARD
 SERVICES, N.A.,

Defendants.

CHAPTER 7
 NO. 13-22693 (RDD)

ADV. NO. 14-08216 (RDD)

ORDER

AND NOW, this ____ day of _____, 2014, upon consideration of Defendants Bank of America Corporation, Bank of America, N.A. and FIA Card Services, N.A.'s Motion to Dismiss Plaintiff's Complaint and oral argument regarding the same held before this Court on August 28, 2014, it is hereby ORDERED that Plaintiff's Complaint is dismissed without prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure solely on the grounds that Mr. Echevarria has failed to state a claim upon which relief can be granted, as set forth on the record. Plaintiff shall file an amended complaint, if he chooses to do so, within 30 days from the date of this Order.

 Date

 United States Bankruptcy Judge